

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:02-CR-00098-F-1

No. 7:14-CV-00168-F

CARL RAY McNEIL, JR.,)
 Petitioner,)
))
 v.)
))
UNITED STATES OF AMERICA,)
 Respondent.)

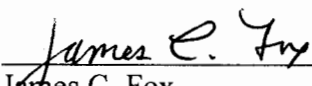
ORDER

Having conducted an examination of Petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or make such other response as is appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside, or Correct Sentence, within **forty (40)** days of the filing of this order.

Additionally, because Petitioner asserts challenges based on *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc), pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), the Office of the Federal Public Defender is appointed to represent Petitioner in connection with these proceedings. The Clerk is DIRECTED to serve the Office of the Federal Public Defender with a copy of this order.

SO ORDERED.

This, the 4th day of September, 2014



James C. Fox
Senior United States District Judge